

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DANIEL RIVERA,

Plaintiff,

v.

HOME DEPOT U.S.A., INC.,

Defendant.

Civil No.

16-cv-7552 (JGK)(OTW)

HOME DEPOT U.S.A., INC.,

Third-Party Plaintiff,

v.

BRYAN'S HOME IMPROVEMENT CORP.,

Third-Party Defendant.

**HOME DEPOT U.S.A., INC.'S NOTICE OF MOTION TO
(1) APPOINT HOME DEPOT AS RECEIVER OF BRYAN'S HOME IMPROVEMENT
CORPORATION'S CAUSES OF ACTION; OR (2) ORDER BRYAN'S TO ASSIGN
THOSE CAUSES OF ACTION TO HOME DEPOT**

PLEASE TAKE NOTICE that, upon the Memorandum of Law in Support of Home Depot U.S.A., Inc.'s Motion to (1) Appoint Home Depot as Receiver of Bryan's Home Improvement Corporation's Causes of Action; or (2) Order Bryan's to Assign Those Causes of Action to Home Depot dated February 13th, 2020, Defendant/Third-Party Plaintiff Home Depot U.S.A., Inc. ("Home Depot") will move this Court, before the Honorable Ona T. Wang, United States Magistrate Judge for the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York, 10007, for an order appointing Home Depot as

receiver of Third-Party Defendant Bryan's Home Improvement Corp.'s ("Bryan's") causes of action, or an order compelling Bryan's to assign those causes of action to Home Depot.

This 13th day of February, 2020.

Respectfully submitted,

/s/ Ronan P. Doherty

Ronan P. Doherty
doherty@bmelaw.com
Bondurant Mixson & Elmore, LLP
3900 One Atlantic Center
1201 West Peachtree Street, N.W.
Atlanta, Georgia 30309
404-881-4100

David M. Pollack
pollack@lbbslaw.com
James M. Strauss
james.strauss@lewisbrisbois.com
Lewis Brisbois Bisgaard & Smith LLP
77 Water Street, Suite 2100
New York, NY 10005
212-232-1300

Attorneys for Home Depot U.S.A., Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 13, 2020, a true and correct copy of the foregoing **NOTICE OF MOTION TO (1) APPOINT HOME DEPOT AS RECEIVER OF BRYAN'S HOME IMPROVEMENT CORPORATION'S CAUSES OF ACTION; OR (2) ORDER BRYAN'S TO ASSIGN THOSE CAUSES OF ACTION TO HOME DEPOT** was filed electronically with the Clerk of the District Court using its CM/ECF system, which electronically notifies the following CM/ECF participants:

Plaintiff's Counsel:

Michael Lawrence Edelman
Joseph P. Carfora
Ginarte Gallardo Gonzalez
Winograd LLP
225 Broadway, 13th Floor
New York, NY 10007
edelman7@yahoo.com
jcarforalaw@yahoo.com

Steven R. Payne
Ginarte Gallardo Gonzalez
Winograd LLP
Woolworth Building
233 Broadway, 24th Floor
New York, NY 10279
spayne@ginartelaw.com

Graham Russell Ragland
Morelli Ratner PC
950 Third Avenue
New York, NY 10022
rragland@ginartelaw.com

Thomas E. Gorman
Legal Momentum
5 Hanover Square, Suite 1501
New York, NY 10005
tgormanesc@yahoo.com

Bryan's Home Improvement Corp.'s Counsel:

Irwin D. Miller
Abrams, Gorelick, Friedman &
Jacobson, P.C.
One Battery Park Plaza, Fourth Floor
New York, NY 10004
imiller@agfjlaw.com

Howard Scott Edinburgh
Miriam Skolnik
Herzfeld & Rubin, P.C.
125 Broad Street
New York, NY 10004 hedinburgh@herzfeld-
rubin.com
mskolnik@herzfeld-rubin.com

Michael P. De Carlo
Moore & Associates
One Whitehall Street
New York, NY 10004-2108

John Patrick Connors , Jr
Connors & Connors, P.C.
766 Castleton Ave.
Staten Island, NY 10310
jpc@connorslaw.com

/s/ Ronan P. Doherty
Ronan P. Doherty